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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION**

**CONCERNED FRIENDS OF THE WINEMA,
KLAMATH-SISKIYOU WILDLANDS CENTER,
WESTERN WATERSHEDS PROJECT,
OREGON WILD, and CENTER FOR
BIOLOGICAL DIVERSITY,**

Plaintiffs,

v.

**U.S. FOREST SERVICE, and U.S. FISH AND
WILDLIFE SERVICE,**

Defendants,

and

**IVERSON MANAGEMENT LIMITED
PARTNERSHIP,**

Defendant-Intervenor.

Case No. 1:14-cv-737-CL

**STIPULATED SETTLEMENT
OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES
AND COSTS**

Plaintiffs Concerned Friends of the Winema, Klamath Siskiyou Wildlands Center, Western Watersheds Project, Oregon Wild, and Center for Biological Diversity hereby submit and respectfully request that the Court approve this stipulation memorializing their settlement agreement providing for disposition of Plaintiffs' Motion for Attorney Fees and Costs.

Subsequent to Defendants' notice of dismissal of their appeal of the judgment in this case, Plaintiffs filed their timely Motion for Attorneys' Fees and Costs in this matter on October 19, 2017, along with an accompanying motion to stay the briefing on Plaintiffs' fee motion (Dkt. Nos. 121, 122) to give the Parties time to negotiate fees and costs. A further extension of the stay was sought and granted to continue negotiations (Docket Nos. 124, 125). The Parties have now reached agreement on fees and costs to resolve Plaintiffs' claim.

Defendants agree to pay Plaintiffs \$204,717.20 to settle Plaintiffs' claim for attorney fees and costs in this matter. Payment shall be made to Plaintiffs by electronic funds transfer to the "Advocates for the West Lawyer Trust Account." This trust account will receive the payment on behalf of all Plaintiffs. Undersigned counsel for Plaintiffs shall provide the appropriate account number and any other information needed to make payment to the undersigned counsel for Defendants. Defendants agree to submit all necessary paperwork to process the payment within thirty (30) business days of both the receipt of the signed court order approving this stipulated settlement and Plaintiffs' counsel having provided to Defendants' counsel the necessary information to process the payment to be made pursuant to this stipulation.

Plaintiffs agree to accept this payment in full satisfaction of any and all claims for attorney fees, costs and expenses to which Plaintiffs assert that they are entitled pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and/or any other statute and/or common law

theory, incurred in connection with this matter up to and including the date of this stipulated settlement.

No provision of this stipulated settlement shall be interpreted as or constitute a commitment or requirement that the United States is obligated to pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other provisions of law.

Under 31 U.S.C. §§ 3711, 3716; 26 U.S.C. § 6402(d); 31 C.F.R. §§ 285.5, 901.3; and other authorities, the United States will offset against this award of fees and costs any delinquent debts owed by Plaintiffs to the United States. *See Astrue v. Ratliff*, 560 U.S. 586 (2010).

Plaintiffs' counsel shall submit confirmation of receipt of payment in the above amount to counsel for Defendants, within 10 days of receipt of payment. Upon receipt of the payment agreed to by the Parties, Plaintiffs will withdraw their motion for attorneys' fees and costs.

The undersigned representatives of the Parties certify that they are fully authorized by the respective Parties whom they represent to enter into the terms and conditions of this stipulated settlement and to legally bind such Parties to it.

IT IS SO STIPULATED.

DATED this 12th day of April, 2018.

Respectfully submitted,

s/Lauren M. Rule
Lauren M. Rule
Elizabeth H. Potter
ADVOCATES FOR THE WEST

Attorneys for Plaintiffs

BILLY J. WILLIAMS
United States Attorney
District of Oregon

s/Sean E. Martin
SEAN E. MARTIN
Assistant U.S. Attorney

Attorneys for Defendants